

Jules P. Slim, Attorney
SBOT 00793026
PO Box 140307
Irving, TX 75014-0307
(214) 350-5183/5184 fax
jslim@slimlawfirm.com

ATTORNEY FOR DEFENDANT
FAST BUSINESS FINANCIAL, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**R'KES STARLING, on behalf of himself
and all others similarly situated,
Plaintiff,**

v.

**FAST BUSINESS FINANCIAL, LLC,
Defendant.**

CIVIL CASE NO. 4:23-CV-655

ANSWER OF FAST BUSINESS FINANCIAL, LLC

TO THE UNITED STATES BANKRUPTCY CLERK:

COMES NOW Fast Business Financial LLC and files this Answer to Plaintiff's Complaint
[Doc 1] and shows as follows:

INTRODUCTION

1. Defendant denies the allegations of paragraph 1.
2. Defendant cannot admit nor deny the allegations of paragraph 2 as Defendant did not source the eligible numbers nor did Defendant conduct the calls.
3. Defendant cannot admit nor deny the allegations of paragraph 3.
4. Defendant denies liability pursuant to 47 U.S.C. §227(b) and TEX. BUS. & COMM. Code §305.053.

JURISDICTION AND VENUE

5. Defendant admits this Court's subject matter jurisdiction.

6. Defendant admits this Court's ancillary jurisdiction.

7. Defendant denies jurisdiction over Defendant in that contracting with a third party to assist with advertisements does not constitute sufficient contacts to assert jurisdiction.

8. Defendant denies venue is proper in that contracting with a third party to assist with advertisements does not constitute sufficient contacts to support venue.

PARTIES

9. Defendant admits the allegations of paragraph 9.

10. Defendant admits the allegations of paragraph 10.

11. Defendant admits the allegations of paragraph 11.

12. Defendant has been served.

13. Defendant admits the allegation of paragraph 13.

GENERAL FACTUAL ALLEGATIONS

14. Defendant admits that a third party was contracted to do telephone solicitations; however, Defendant denies that said third party was acting on its behalf or at its direction.

15. Defendant admits the allegations of paragraph 15.

16. Defendant admits the allegations of paragraph 16.

17. Defendant cannot admit or deny the allegations of paragraph 17.

18. Defendant cannot admit or deny the allegations of paragraph 18.

19. Defendant cannot admit or deny the allegations of paragraph 19.

20. Defendant cannot admit or deny the allegations of paragraph 20.

21. Defendant cannot admit or deny the allegations of paragraph 21.

22. Defendant cannot admit or deny the allegations of paragraph 22.

23. Defendant cannot admit or deny the allegations of paragraph 23.

- 24. Defendant cannot admit or deny the allegations of paragraph 24.
- 25. Defendant cannot admit or deny the allegations of paragraph 25.
- 26. Defendant cannot admit or deny the allegations of paragraph 26.
- 27. Defendant cannot admit or deny the allegations of paragraph 27.
- 28. Defendant cannot admit or deny the allegations of paragraph 28.
- 29. Defendant cannot admit or deny the allegations of paragraph 29.
- 30. Defendant cannot admit or deny the allegations of paragraph 30.
- 31. Defendant cannot admit or deny the allegations of paragraph 31.
- 32. Defendant cannot admit or deny the allegations of paragraph 32.
- 33. Defendant cannot admit or deny the allegations of paragraph 33.

DEFENDANT'S LIABILITY

34. Defendant denies that it was required to obtain prior written consent as the calls were contracted with a third party.

- 35. Defendant admits the allegations of paragraph 35.
- 36. Defendant admits the allegations of paragraph 36.
- 37. Defendant denies the allegations of paragraph 37.
- 38. Defendant denies the allegations of paragraph 38.
- 39. Defendant denies the allegations of paragraph 39.
- 40. Defendant admits the allegations of paragraph 40.
- 41. Defendant denies the allegations of paragraph 41.
- 42. Defendant denies the allegations of paragraph 42.
- 43. Defendant denies the allegations of paragraph 43.
- 44. Defendant denies the allegations of paragraph 44.

45. Defendant admits Article III standing.

CLASS ACTION ALLEGATIONS

46. Defendant admits the allegations of paragraph 46.

47. Defendant admits the allegations of paragraph 47.

48. Defendant cannot admit or deny the allegations of paragraph 48.

49. Defendant denies the allegations of paragraph 49.

50. Defendant cannot admit or deny the allegations of paragraph 50 in that a third party was contracted to facilitate the advertisements.

51. Defendant is not required to admit or deny the allegations of paragraph 51.

52. Defendant denies the allegations of paragraph 52.

53. Defendant denies the allegations of paragraph 53.

54. Defendant denies the allegations of paragraph 54.

55. Defendant cannot admit or deny the allegations of paragraph 55.

56. Defendant cannot admit or deny the allegations of paragraph 56.

57. Defendant denies the allegations of paragraph 57.

58. Defendant denies the allegations of paragraph 58.

59. Defendant denies the allegations of paragraph 59.

60. Defendant denies the allegations of paragraph 60.

FIRST CAUSE OF ACTION; TCPA 47 U.S.C. §227(b)

61. Defendant need not deny or admit the allegations of paragraph 61.

62. Defendant denies the allegations of paragraph 62.

63. Defendant denies the allegations of paragraph 63.

64. Defendant denies the allegations of paragraph 64.

65. Defendant denies the allegations of paragraph 65.

SECOND CAUSE OF ACTION; TX BUS COMM CODE §305.053

66. Defendant need not admit or deny the allegations of paragraph 66.

67. Defendant denies the allegations of paragraph 67.

68. Defendant denies the allegations of paragraph 68.

69. Defendant denies the allegations of paragraph 69.

WHEREFORE, Defendant prays that Plaintiff be sent empty away without day and that Defendant have and recover all fees incurred in defense hereof.

Dated: September 28, 2023.

Respectfully submitted,

/s/ Jules P. Slim

Jules P. Slim, *Attorney and Counselor*

State Bar No.: 00793026

P.O. Box 140307

Irving, Texas 75014-0307

(214) 350-5183

(214) 350-5184 facsimile

jslim@slimlawfirm.com

**ATTORNEY FOR DEFENDANT
FAST BUSINESS FINANCIAL, LLC**

CERTIFICATE OF SERVICE

I, the undersigned, Jules P. Slim, hereby certify that a copy of the above instrument was served on the following via email this 28th day of September 2023.

Chris Miltenberger
1360 N. White Chapel, Ste. 200
Southlake, TX 76092
817-416-5060/5062 fax
chris@crmlawpractice.com

Via ECF

/s/ Jules P. Slim

Jules P. Slim